

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Rose,

Plaintiff,

v.

Thierry Nettles, Andrew Rockefeller, William
Cline, Wellington Williams, Casper Phiri,
Sylvester Sanchez, Albert Mack, Timmothy
Clark, Von Mutius, Lisa Young,

Defendants.

C/A No. 0:17-2000-RBH-PJG

ORDER

The plaintiff, James Rose, proceeding *pro se*, filed this is a civil rights action against the defendants. Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. While screening this matter pursuant to 28 U.S.C. § 1915 & § 1915A, the court concluded Plaintiff's allegations concern two separate and distinct incidents involving two different groups of defendants. The incidents appear to concern Plaintiff's alleged stabbing at the Broad River Correctional Institution in August 2016 by Defendant Young, and separately, the use of chemical munitions at Lieber Correctional Institution on November 4, 2016 and May 19, 2017 involving the other defendants. Accordingly, the court concludes Plaintiff's claims should be severed into two distinct matters. See Fed. R. Civ. P. 21 ("On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party."); see also Fed. R. Civ. P. 20(a)(2); Owens v. Hinsley, 635 F.3d 950, 952 (7th Cir. 2011) (providing that where a plaintiff fails to observe the requirements of Federal Rule of

Civil Procedure 20(a)(2) with respect to joinder of parties, unrelated claims against different defendants belong in separate lawsuits, and the action may be severed into separate lawsuits).

TO THE CLERK OF COURT:

The above-captioned case should pertain only to the incidents that occurred at the Lieber Correctional Institution involving Defendants Nettles, Rockefeller, Cline, Williams, Phiri, Sanchez, Mack, Clark, and Mutius ("Lieber defendants"). Therefore, the Clerk of Court is directed to terminate Lisa Young from the above-referenced docket as a defendant in the instant case. By a contemporaneously issued order, the court authorized the issuance and service of process as to the Lieber defendants in this case.

The Clerk of Court is further directed to assign a separate civil action number to Plaintiff in a case captioned James Rose v. Lisa Young. The Clerk of Court shall file this order as the initial docket entry in the newly created case, and send a packet to him to complete a new complaint and service documents for the incident involving Lisa Young.

IT IS SO ORDERED


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

October 26, 2017
Columbia, South Carolina